

**Air Force-Regulator Environmental Restoration Summit
Central Region EPA Regions 5, 6, 7, & 8
Le Meridien Dallas Hotel, Dallas, Texas
August 8 and 9, 2001**

Lt Col David Roe, HQ USAF/ILEVR

Welcome and Introductions

Lt Col Roe welcomed summit attendees and stated that the purpose of the summit was to provide a mechanism for information exchange between regulators and the Air Force, to provide improved communication on both sides of the fence, and relay challenges, goals, and other issues of concerns relating to facilitating clean-up.

Lt Col David Roe, HQ USAF/ILEVR

Overview of Air Force Environmental Restoration Program, FY01 and Beyond

Lt Col Roe presented a summary of the Air Force Environmental Restoration Program including organizational structure, goals (defense), achievements, an explanation of site prioritization, the importance of stability, and issues related to unexploded ordinance (UXOs). A complete copy of his presentation will be available on the Summit World Wide Web (WWW) site.

The questions posed to Lt Col Roe included:

QUESTION: Regarding the Management and Support category of Air Force restoration funding, does this include funding of State support services?

RESPONSE: The total goal for overall Management and Support funding for DOD Restoration Programs, including State support services, is 10% of the total funds allocated each year; however, the Air Force is currently at about 15%. Although this percentage is flat, funds from other programs can be used to fund Defense-State Memorandum of Agreements (DSMOA) requirements. They are a high priority and will be paid.

QUESTION: How does the Air Force define “achieved” in terms of measuring success with obtaining Defense Planning Goals (DPGs)?

RESPONSE: For the purpose of meeting Department of Defense (DOD) DPG goals, the Air Force considers a site to have “achieved” the goal when its relative risk has been reduced to a lower level or when the final remedial system is in place.

QUESTION: Who determines which sites are rated as having a high relative risk and how is this determination made?

RESPONSE: Relative risk level determinations are made at the installation level through the use of a DOD computer program that incorporates many different factors about the site. The program does not calculate actual risk, as you would in conducting a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Risk Assessment, but instead determines a relative risk associated with the site.

QUESTION: Is this determination then coordinated with the regulators?

RESPONSE: Installations may include regulator input or other community information in the program when making site relative risk determinations. Such information should be discussed at Restoration Advisory Board (RAB) meetings.

COMMENT: The State of Colorado does not have any input into in risk determination for sites within Colorado.

QUESTION: Can site clean up funding be reprioritized?

RESPONSE: Air Force site clean up funding is generally set so that high relative risk sites are given the highest priority, although internal Air Force prioritization changes can be made based on contaminant level fluctuations or changes made by remedial actions. If a regulator feels that a site needs to be reprioritized, they should discuss it with the installation.

COMMENT: Regulators are concerned that Air Force sites with little or no data are being classified as low risk sites or are not being classified at all. In addition, some sites that should be classified as high risk are not being cleaned up as quickly as they should be.

RESPONSE: Sites with little or no data are identified as not evaluated (NE). Your point about the lack of data at some sites is a very good one; however, the Air Force cannot wait until information is available on all possible sites in order to begin work. Therefore, we have begun restoration efforts at our installations and these efforts focus first on known high relative risk sites.

COMMENT: The State of Colorado would like to have input into determining how sites are prioritized since the high risk sites will be the first to be funded for clean up.

RESPONSE: The Air Force has three components to determining relative risks: pathway, data, and receptors. Where does the state want to be involved? Is the State of Colorado having a problem with a particular base?

COMMENT: The issue exists at all bases because the Air Forces' relative risk prioritization method may not include all factors that it should.

RESPONSE: Relative risk does not solely determine funding prioritization. DOD starts with relative risk, and then modifies rankings based on other inputs such as stakeholder involvement. RAB meetings are intended to provide a means for regulators and stakeholders to express concerns over site prioritization.

ACTION: Lt Col Roe will take action to ensure that the Air Force system to determine relative risk is briefed to RABS.

QUESTION: What is the Air Force's prioritization scheme with regard to Solid Waste Management Units (SWMUs)?

RESPONSE: If there is a group of SWMUs together, they will be completed together.

COMMENT: The Air Force is not complying with States request for permits.

RESPONSE: CERCLA restoration work comes from a different budget and has different requirements than restoration work conducted under the Resource Conservation and Recovery Act (RCRA). The Air Force will comply with all necessary requirements to obtain/modify RCRA permits to conduct restoration work; however, we are not required to obtain permits under CERCLA. The bottom line is that if regulatory requirements are not being met, the Regulator should notify the installation and/or the installation's Major Command (MAJCOM).

NOTE: Further discussion on permitting issues was tabled until the roundtable discussions.

QUESTION: Is the UXO report available on the WWW?

RESPONSE: Yes, the report should be available through the Defense Environmental Network & Information Exchange (DENIX) site.

QUESTION: How far back does the inventory for ranges go?

RESPONSE: The range inventory includes ranges as far back as World War I.

QUESTION: How are the ranges sorted? Is it available on the WWW?

RESPONSE: The ranges are located in a searchable database that can be queried by state; however, it is not yet accessible on the WWW.

QUESTION: How many ranges are there?

RESPONSE: There are over 500 ranges of various types in the Air Force.

COMMENT: There is some concern that some of the ranges may have been double counted and the definition of a range has not been clearly defined for counting purposes.

RESPONSE: The DOD and States are preparing separate inventory lists; however, they will be merged into one list – this will eliminate any double counting problems.

QUESTION: Does the Air Force determine where munitions land after they are used?

RESPONSE: Not currently; however, plans to track munitions will be included in the munitions action plan. There are some possible tagging technologies that may be included into munitions in the future.

QUESTION: What is the role of regulators in developing the munitions action plans and guidance related to this issue.

RESPONSE: Regulators were involved in the development of the Range Rule, which has not been implemented. For the Munitions Action Plan, a working group has been established and the outcome of decisions from the group is not yet known.

COMMENT: Regulators need to be involved in the development of the document.

QUESTION: Is this directive being coordinated with other DOD branches?

RESPONSE: The DOD will establish the policy to be implemented by each branch.

QUESTION: Does the DOD have UXO properties that will never be transferred?

RESPONSE: Today's technology cannot ensure that every UXO is found. If we allow no risk to be associated with a property, then some properties will not be transferred.

QUESTION: Who is responsible for the properties that have already been transferred?

RESPONSE: The Army is lead agent for the Formerly Used Defense Sites (FUDS) program.

Mr. Rod Whitten, AFBCA/EV

Overview of the Air Force Base Conversion Agency (AFBCA) Restoration Program, FY 01 and Beyond

Mr. Whitten presented an overview of the Air Force AFBCA program including the goals and objectives of the program, the history of the Air Force's program, and the organizational structure. A complete copy of his presentation will be available on the Summit WWW site.

The questions posed to Mr. Whitten included:

QUESTION: When you talk about a site being "clean" does that equate to unrestricted land use?

RESPONSE: No, it just means that the last remedy is in place.

COMMENT: Regulators have more success in getting time and cost estimates from Base Realignment and Closure (BRAC) facilities than from other installations.

RESPONSE: Problems associated with costs and time to complete estimates have been recognized by the Air Force as an important issue and is being worked.

QUESTION: A previous Executive Order mandated that federal agencies have government-to-government contract with tribes. Was this rescinded?

RESPONSE: No, this directive has not been rescinded; however, no additional guidance or support has been addressed. These issues must be worked at the installation level using installation resources.

Dr. Christopher Taylor, The KEVRIC Company, Inc.

Summary of Progress on issues from 1st Environmental Summit

Dr. Taylor led a discussion on the progress of completing the action items from the 1999 Summit, the results of which are presented below:

- 1) Minutes from last meeting are posted on the WWW. **Item is closed**
- 2) Texas was concerned with the quality of Air Force document submission. Standardized report format has solved the problem. **Item is closed.**
- 3) Find opportunities to accelerate clean up. After some discussion on the progress of the action item, participants determined that the **item would remain open.** Parties will meet to determine which installations will be involved (see action item summary at the end of these minutes).
- 4) Air Force provided copies of the AF video on "Variable Oversight." **Item is closed.**

- 5) Implementation of Government Performance Results Act (GPRA)-EPA Resource Conservation Recovery Act (RCRA) Reform Initiative. **Item is open and is being readdressed at this summit.**
- 6) Applications/use of Institutional Controls (IC) in Region VI. Air Force developed policy on IC. **Item is closed.**
- 7) Appropriate application/use of Monitored Natural Attenuation (MNA). **Item is closed.**

Dr. Christopher Taylor, The KEVRIC Company, Inc., Facilitator

Prior to the beginning of the roundtable discussions, Dr. Taylor asked summit attendees to comment on reorganizing the roundtable topics. It was decided that the issue regarding permits would be the first topic to be discussed in the roundtable discussion. He briefly explained how the roundtable discussion portion of the Summit would be conducted, including time limits for each issue. Dr. Taylor then introduced each topic and invited the individual who submitted the item to provide a short summary of the issue prior to opening the floor for discussion.

Roundtable Discussion Topic 1: Permit Exemptions

Introduction: Mr. Guy R. Frazier, Missouri Department of Natural Resources

Summary: Mr. Frazier stated that it has been his experience that the Air Force intends to perform groundwater injection at some sites, which in Missouri requires a permit. However, the Air Force has refused to apply for the permits. Mr. Frazier believes that, without a permit, the State does not have enough leverage to hold the Air Force accountable for its actions. (No Issue Paper)

AFLSA/JACE (Ms. Carolyn White): Ms. White stated that DOD policy does not require separate permits for restoration work being done under CERCLA, which is the preferred clean up practice for DOD.

EPA Region VI (Mr. David W. Neleigh): Mr. Neleigh stated that the EPA does not feel that the Air Force is properly following the National Contingency Plan (NCP) under CERCLA because Records of Decision (RODs) need to be developed and signed by the regulator – this is not occurring.

AFLSA/JACE (Ms. Carolyn White): Ms. White then stated that she understands the States feel they need the permits in order to maintain some level of control over the clean up process; however, DOD policy is that CERCLA will be followed and there are no requirements in CERCLA for the Air Force to obtain clean up permits.

EPA Region VI (Mr. David W. Neleigh): Mr. Neleigh then restated that he believes the Air Force is not following CERCLA.

AFLSA/JACE (Ms. Carolyn White): Ms. White replied that the real issue seems to be one of holding the Air Force accountable for its actions.

HQ USAF/ILEVR (Lt Col David Roe): Lt Col Roe asked if a ROD or a Decision Document (DD) would be considered equivalent to a permit.

EPA Region VI (Mr. David W. Neleigh): Mr. Neleigh said that this might be possible; however, the regulator must sign them and this is not occurring.

Colorado Department of Public Health and Environment (Mr. Jeff Edson): Mr. Edson stated that Air Force accountability includes funding to milestones and timeliness, which can only be ensured by the use of permits.

HQ USAF/ILEVR (Lt Col David Roe): Lt Col Roe asked regulators what impact it would have if the Air Force were to determine how many RODs and DDs exist. He posed the question regarding the ability of these documents to ensure Air Force accountability.

HQ ACC/CEVR (Ms. JoAnn Whitson): Ms. Whitson stated that the Air Force does not require the EPA to sign RODs for non-NPL sites.

EPA Region VI (Mr. David W. Neleigh): Mr. Neleigh stated that the Air Force is also not meeting Applicable or Relevant and Appropriate Requirements (ARARs).

AFLSA/JACE (Ms. Carolyn White): Ms. White stated that clean up must meet substantive requirements that apply and the Air Force should be accountable for these requirements. If Air Force programs are not doing what they are supposed to, regulators need to address the issue with the installation and/or the installation's MAJCOM.

Missouri Department of Natural Resources (Mr. Guy R. Frazier): Mr. Frazier stated that the State of Missouri would consider a Federal Facility Agreement (FFA) to suffice in lieu of a permit.

New Mexico Environmental Department, Hazardous Waste Bureau (Mr. Glenn Von Gonten): Mr. Von Gonten stated that RCRA guidance is being followed in New Mexico since there are no Air Force sites in New Mexico on the NPL.

AFLSA/JACE (Ms. Carolyn White): Ms. White stated that the approach being taken in New Mexico is acceptable for the particular situation. However, the Air Force is directed to follow the CERCLA route unless otherwise approved by AFLSA/JACE.

HQ USAF/ILEVR (Lt Col David Roe): Lt Col Roe stated that this issue is thoroughly addressed in the Air Force RCRA/CERCLA guidance.

Colorado Department of Public Health and Environment (Mr. Jeff Edson): Mr. Edson stated that the Air Force policy does not comply with State laws. He added that he understands the intention of the policy; however, the Air Force is not following CERCLA and the State of Colorado does not accept not having a role in the clean up process.

HQ USAF/ILEVR (Lt Col David Roe): Lt Col Roe stated that the DOD crafted the policy and, although the Air Force seeks concurrence from regulators, it must continue to follow the policy.

AFLSA/JACE (Carolyn White): Ms. White stated that it needed to be made clearer to the Air Force that the NCP must be followed.

EPA Region VI (Mr. Steve Gilrein): Mr. Gilrein then asked if the policy regarding not obtaining permits under CERCLA is based on language in the law that forbids obtaining them, or language that says it is not required to obtain them.

AFLSA/JACE (Ms. Carolyn White): Ms. White responded that, although she did not have a copy of the law with her, the DOD interprets the law as saying they cannot obtain permits under CERCLA.

EPA Region VI (Mr. Steve Gilrein): Mr. Gilrein then stated that he disagrees with this interpretation.

Facilitator (Dr. Chris Taylor): Dr. Taylor stated that the time allotment for this subject had passed. He summarized the discussion up to that point and noted that all parties agreed to continue to working on the various aspects of the topic on a case-by-case, and installation-by-installation basis, in order to find ways to accommodate each other's desires/requirements.

Roundtable Discussion Topic 2: Land Use Controls

Introduction: Mr. Glenn Von Gonten, New Mexico Environmental Department, Hazardous Waste Bureau

Summary: Mr. Von Gonten stated that New Mexico is in the process of drafting legislation for Land Use Controls (LUCs) to provide an enforceable mechanism to ensure future land use. In New Mexico, No Further Actions (NFAs) status cannot be issued unless the land has been remediated to residential standards due to unenforceable LUCs. (Issue Paper)

HQ AFCEE/CCR-D (Mr. Mike Garrison): Mr. Garrison stated that the Navy is currently working with the Texas Natural Resource Conservation Commission (TNRCC) and EPA on LUCs. He asked Mr. Rahman and Mr. Neleigh if the program was moving in the right direction and if the Air Force should become involved

EPA Region VI (Mr. David Neleigh): Mr. Neleigh replied that the program was moving forward; however, States may have additional specific requirements applicable to active sites.

TNRCC (Mr. Ata U. Rahman): Mr. Rahman stated that once the Navy program is approved, the Air Force could implement a similar program

New Mexico Environmental Department (Mr. Glen Von Gonten): Mr. Von Gonten stated that there is no legal equivalency to deed restrictions in the State of New Mexico.

HQ ACC/CEVR (Ms. JoAnn Whitson): Ms. Whitson asked if a Memorandum of Agreement (MOA) between the State and the Air Force could be used in lieu of LUCs (*i.e.*, deed restrictions).

AFBCA/EV (Mr. Rod Whitten): Mr. Whitten asked about the use of Land Use Control Implementation Plans (LUCIPs) on active installations.

EPA Region VI (Mr. David Neleigh): Mr. Neleigh then asked how they would be enforced.

AFLSA/JACE (Ms. Carolyn White): Ms. White stated that the Air Force is not allowed to have deed restrictions on an active installation. She asked regulators what kind of agreement could be valued as equivalent to a deed restriction.

HQ AFCEE/CCR-D (Mr. Mike Garrison): Mr. Garrison stated that MOAs could be crafted to have site-specific controls, similar to LUCs, that aren't deed restrictions but are similar enough that States can agree to them. He added that this is a new idea that is currently being investigated.

Facilitator (Dr. Chris Taylor): Dr Taylor asked Mr. Von Gonten if the deed issue applied to closing bases or operating bases.

New Mexico Environmental Department (Mr. Glen Von Gonten): Mr. Von Gonten responded this was an issue at both. Installations want sites to receive NFAs on institutional controls and New Mexico will not issue any NFAs unless they are ensured LUCS will remain in place or sites are cleaned to residential standards.

ACTION: The Air Force will meet with Mr. Glen Von Gonten, New Mexico Environmental Department, to determine the type of information they can provide as input into the proposed Environmental Covenant Act to ensure more DOD issues are addressed in the legislation. OPR: Mr. John Pike (HQ AFCEE/CCR-D)

Roundtable Discussion Topic 3: Government Performance Results Act (GPRA) and Defense Prioritization Guidance (DPG) Goals

Introduction: Mr. David W. Neleigh, EPA Region VI

Summary: Mr. Neleigh presented an overview of the EPA's GPRA program and stated that the EPA's GPRA goal is to have human health protected at 95% of high priority RCRA facilities and control the migration rate of contaminated groundwater at 70% of sites by 2005. He emphasized that "control" does not mean final remedy and that the Air Force should be able to meet these goals even though their goals are structured differently than GPRA goals. Bases were sent a checklist to fill out regarding the nature of their releases and what has been done to control human health exposure and contain contaminated groundwater. From this information, the EPA developed a chart that indicates that half of the installations had achieved "human health protected" status, which is on par with industry; however, only 5 of 18 installations have controlled contaminated groundwater migrations, which places the Air Force's progress behind that of industry. Mr. Neleigh added that this information is available to the public on a national web site. Mr. Neleigh urged bases to contact regulators and determine why regulators feel that human health is not protected and groundwater mitigation is not controlled on these installations. (Issue Paper)

AFBCA/EV (Mr. Rod Whitten): Mr. Whitten stated that demonstrating control of groundwater migration is a process that requires the collection of several years worth of data. Therefore, there are likely sites that the EPA does not count as having groundwater migration controlled, but control mechanisms are in place and we're just waiting for enough data to prove our case.

AFLSA/JACE (Ms. Carolyn White): Ms. White next asked if there was a category other than complies or does not comply where the Air Force could list sites that have controls in place, but that the final data is still pending.

EPA Region VI (Mr. David Neleigh): Mr. Neleigh replied that there is no such category. He added that the real issue is a lack of communication between the installations and the regulators regarding what is necessary for the regulator to consider the site to be in compliance with the basic tenants of protecting human health and controlling groundwater migration.

ACTION: Continue to explore ways of incorporating GPRA goals into Air Force management plans and actions related to setting clean-up funding priorities. OPR: Lt Col David Roe (HQ USAF/ILEVR)

ACTION: Ensure installations meet with their regulatory counterparts to review the GPRA list and determine why regulators cannot list installation as having human health

protected and groundwater migration contained. OPR: Lt Col David Roe (HQ USAF/ILEVR); EPA Region Restoration Chiefs; State Restoration Chiefs

Roundtable Discussion Topic 4: Continuity Issues With Environmental Cleanup at BRAC Facilities

Introduction: Mr. Jeff Edson, Colorado Department of Public Health and Environment

Summary: Mr. Edson stated that the BRAC process is being interrupted and delayed due to loss of personnel continuity within the Air Force. (Issue Paper)

AFBCA/EV (Mr. Rod Whitten): Mr. Whitten agreed that continuity in personnel provides for smooth BRAC programs. He added that it is difficult to keep individuals at an installation when they are presented with good, more long-term employment opportunities at other installations. He added that continuity could be helped if good restoration contractors are employed for the clean up and transition process.

Colorado Department of Public Health and Environment (Mr. Jeff Edson): Mr. Edson stated that he does not think that contractors are the solution to the problem because they may have conflicting motives.

AFBCA/EV (Mr. Rod Whitten): Mr. Whitten agreed that they are not the sole answer to the problem; however, the peer review process should help ensure that contractor's decisions and suggestions are the most beneficial to the regulatory agency and the Air Force.

Michigan Department of Environmental Quality (Mr. Robert L Delaney): Mr. Delaney stated that it would be helpful to incorporate all information into an updateable GIS-based system so that information is synthesized and easy to obtain for new BRAC personnel.

Facilitator (Dr. Chris Taylor): Dr Taylor summarized the discussion and noted that, although the Air Force agrees that a lack of continuity with restoration personnel can be a barrier to quick and efficient clean up operations, there is little they can do to force individuals to stay at a particular installation. All parties agreed that every effort should be made to retain key personnel whenever possible.

Dr. Taylor then summarized the topics for discussion for the following day and the summit was adjourned for the evening.

Lt Col Daniel Rodgers, 314 AW/JA, Little Rock AFB
The Perchlorate Planning Project

Lt Col Rogers presented a briefing on the Perchlorate Planning Project including a historical accounting of Perchlorate problem, Perchlorate uses, the formation of the Interagency Perchlorate Steering Committee, and the research undertaken to establish a maximum contaminant limit for Perchlorate in water. A complete copy of his presentation will be available on the Summit WWW site.

The questions posed to Lt Col Rogers included:

QUESTION: Is any new Perchlorate being discharged into the environment?

RESPONSE: Not by the DOD. There is some Perchlorate included in fertilizer at low constituent levels.

QUESTION: How was Perchlorate discharged into the environment?

RESPONSE: Perchlorate was discharged through spent rocket cases. When rockets function properly Perchlorate is consumed. Only in a catastrophic event is Perchlorate released. Currently, the DOD is under an international agreement to destroy some Perchlorate containing solid rocket systems. During this process, the fuel is removed from the rocket casing by using a high-pressure wash system so that the Perchlorate does not become an airborne contaminant. It is later reclaimed from the wash water and sold.

COMMENT: The DOD is currently completing work to determine where Perchlorate was used. The final report should be available on the web site in March or April of next year. A CD copy will also be sent to regulators.

COMMENT: Perchlorate is not regulated in some states and there are no requirements to sample for it. However, any installations that think there is a likelihood that Perchlorate was used at their location do not have to wait to be asked before sampling. Installations can collect samples and send them to Wright-Patterson AFB for analysis. A memorandum was sent out last month authorizing Defense Environmental Restoration Account (DERA) funds for Perchlorate sampling. In addition, HQ USAF/ILEV has asked some installations to sample for Perchlorate.

QUESTION: Do you think that the criteria for Perchlorate will change?

RESPONSE: Lt Col Rodgers felt that it would be inappropriate for him to speculate on what the new criteria might be.

QUESTION: Is there a website that addresses Perchlorate?

RESPONSE: DENIX provides links to Perchlorate resources.

QUESTION: Should states that have firing ranges be concerned about Perchlorate?

RESPONSE: That should be addressed by the survey in progress.

QUESTION: It was mentioned by Lt. Col Rogers that Perchlorate is known to affect the thyroid. Does it cause thyroid levels to increase or decrease?

RESPONSE: It depends. Normally, thyroid production will increase when Perchlorate is added.

QUESTION: Can other factors and chemicals affect the thyroid?

RESPONSE: Yes. A number of factors can affect the thyroid including stress.

QUESTION: What was Perchlorate originally prescribed for?

RESPONSE: A heart medicine study showed that it could alter thyroid.

QUESTION: The Air Force seems to be proactively concerned with surveying for Perchlorate. What about the other services?

RESPONSE: The same memorandum authorizing DERA funds for Perchlorate sampling was sent to all DOD components. Lt Col Rodgers was unsure what the other services have done with the guidance.

Mr. Brian Cooper, US EPA Region V

Fully Integrated Environmental Location Decision Support (FIELDS) and Spatial Analysis and Decision Assurance (SADA.)

Mr. Cooper presented a briefing on the development, capabilities, and applications of the FIELDS and SADA computer programs that were developed with contract support by EPA Region V, The University of Tennessee, and Eastern Michigan University, along with other partners. The programs are designed as a suite of automated tools that can be used to implement any process requiring the assessment of contamination, the associated risks, and the evaluation of clean up options. At the conclusion of his presentation, Mr. Cooper demonstrated how the software had been used to analyze a site on the Pine River in Michigan. A copy of Mr. Cooper's presentation will be available on the summit WWW site.

The questions posed to Mr. Cooper included:

QUESTION: What coordinate system do you use for the systems?

RESPONSE: It depends on the site. In general, the coordinate system used does not matter as long as it is a true projection and not in latitude/longitude or decimal degrees. Examples of true projection systems that could be used include State Plan, Albers Equal Area, Lambert, and Universal Transverse Mercator (UTM).

QUESTION: Who can use the software?

RESPONSE: The tools are available for use by anyone; however, you must have ARCVIEW GIS for FIELDS. SADA is a stand-alone system that anyone can use and is more focused on assessing human health concerns. Eventually, the systems will be merged.

QUESTION: If a company or Air Force installation uses either of these systems, how will the EPA react?

RESPONSE: The EPA would welcome feedback and encourages use of the products.

Lt Col Henry Thompson, HQ ANG/CEVR

Air Force Privatization Status WWW??

Lt Col Thompson presented a HQ ANG concept that calls for the privatization of clean up activities at BRAC installations. Under the concept, the Air Force would pay a contractor a flat fee for all clean up activities, which would include selecting and implementing the final remedy and interfacing with regulators. The benefits to the Air Force would include reduced total costs, while all stakeholders would benefit from a faster remediation schedule. A copy of Lt Col Thompson's presentation will be available on the Summit WWW site.

The questions posed to Lt Col Thompson included:

QUESTION: Is the Air Force performing Preliminary Assessment/Site Inspections (PA/SIs) or Remedial Investigations (RIs) to get regulatory approval before the contract is awarded? What is the contract vehicle for clean up?

RESPONSE: It is envisioned that a Firm fixed price with cost plus option contract would be used.

QUESTION: Who is responsible for providing accurate and complete representation of the situation? Do the contractors have the authority to make legal commitments?

RESPONSE: Although the contractors would have the authority to perform actions such as obtaining and signing permits, the ultimate responsibility for the site would still rest with the Air Force.

COMMENT: Regulators are concerned that the privatization concept may not work well at installations with multiple and complex sites.

RESPONSE: This is a possibility; however, the Air Force is using smaller sites to work out procedures and determine costs for larger and more complex sites.

COMMENT: Colorado has been involved in a privatization test with the Army. The State agrees with the benefits for privatization and is very optimistic about the results thus far. Colorado also feels that the Air Force could learn from the Army on how to operate this type of program.

COMMENT: The Air Force does not seem amply prepared to take on privatization at the Pentagon level. There are multiple instances where a lack of internal procedures and cooperation has hampered efforts at smaller sites.

COMMENT: Regulators are concerned that privatization will lead to problems with self-serving contractors.

RESPONSE: Lt Col Roe agreed that the Air Force has been behind the other services in embracing privatization. Privatization, or perhaps more appropriately commercialization of clean up activities is a priority goal. The Air Force is pursuing early transfer through this process and is glad that the ANG has stepped out in front to offer “test and validation” installations.

Mr. Guy R. Frazier, Missouri Department of Natural Resources

RAB Success Story

Mr. Frazier led a short discussion on the successes Missouri regulators have had at their BRAC installations due to the good use of RABs. He encouraged other States to take full advantage of the benefits a well-run RAB program can offer.

Dr. Christopher Taylor, The KEVRIC Company, Inc.

Summary

Dr. Taylor readdressed the GPRA/RCRA Action Item carried over from the previous Summit. Participants agreed that the item should be considered closed and absorbed into the new GPRA Action Items developed the previous day. He then summarized the roundtable portion of the Summit and reviewed and finalized the Action Items:

Restoration Advisory Boards (Lt Col Roe presentation)

ACTION: Ensure the data that is used by DOD to derive relative risk for prioritizing restoration sites has been presented to the regulators and the RAB.
OPR: Lt Col David Roe (HQ USAF/ILEVR)

Find Opportunities to Accelerate Clean Up (Carry over item from 1999 Summit)

ACTION: Continue the effort initiated at last summit. Discussion needed between TNRCC, HQ AFCEE/CCR-D, HQ ANG/CEVR, and Region 6 EPA to review list of installations that will participate. OPR: Mr. Mike Garrison and John Pike (HQ AFCEE/CCR-D)

Permit Exemptions

ACTION: None; issue was discussion only. Parties agreed to continue to work together on a case-by-case basis to find ways to accommodate each other's desires/requirements.

Land Use Controls

ACTION: Air Force will meet with Mr. Glen Von Gonten, New Mexico Environmental Department, to determine the type of information they can provide as input into the proposed Environmental Covenant Act to ensure more DoD issues are addressed in the legislation. OPR: Mr. John Pike (HQ AFCEE/CCR-D)

Continuity of Personnel at BRAC Facilities

ACTION: None; issue was discussion only. All parties agreed that personnel turnover is an impediment to the closure process and that effort should be made to retain key personnel whenever possible.

GPRA/DPG

ACTION: Continue to explore ways of incorporating GPRA goals into Air Force management plans and actions related to setting clean-up funding priorities.
OPR: Lt Col David Roe (HQ USAF/ILEVR)

ACTION: Ensure installations meet with their regulatory counterparts to review the GPRA list and determine why regulators cannot list installation as having human health protected and groundwater migration contained. OPR: Lt Col David Roe (HQ USAF/ILEVR); EPA Region Restoration Chiefs; State Restoration Chiefs.

Finally, Dr. Taylor thanked the participants for their input, their candor, and their willingness to meet and discuss these important issues.

Lt Col David Roe, HQ USAF/ILEVR

Final Remarks

Lt Col Roe concluded the Summit by also thanking the regulators for attending and for their willingness to work together in solving these complex issues. He also encouraged everyone to fill out the Summit Critiques; particularly the portions concerning the usefulness of the Summits, whether or not their expectations were met, and whether additional Summits should be held in the future (and if so how often).

NOTE: A majority of critique respondents indicated that they would like to continue having Environmental Summits on an annual basis.